

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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RONALD R. SANTOS,

**Plaintiff.**

Case No. 3:23-cv-00281-MMD-CSD

## ORDER

KENNETH ANNICKOS, et al.,

### Defendants.

## I. SUMMARY

*Pro se Plaintiff Ronald Santos, who is incarcerated in the custody of the Nevada Department of Corrections (“NDOC”), sued prison officials and medical personnel under 42 U.S.C. § 1983, alleging that they violated his Constitutional rights because they were deliberately indifferent to his serious medical needs, retaliated against him, and intentionally took his property. (ECF Nos. 6 (screening order specifying which claims are proceeding), 7 (Complaint).) Before the Court are three objections that Santos filed to nondispositive orders issued by United States Magistrate Judge Craig S. Denney. (ECF Nos. 71, 72, 73.)<sup>1</sup> Because the Court does not find that Judge Denney clearly erred in the three challenged orders—and as further explained below—the Court will overrule the three pending objections.*

## II. DISCUSSION

The three challenged orders are on matters that Judge Denney has authority to finally decide himself. Accordingly, the Court will only overturn the challenged orders if the Court finds they were “clearly erroneous or contrary to law[.]” LR IB 3-1(a). Under this

<sup>1</sup>Defendants filed a response to one of them (ECF No. 75) and Santos filed a reply and notice concerning that same objection (ECF Nos. 76, 77).

standard, the Court may not “substitute its judgment” for Judge Denney’s. *Grimes v. City & Cnty. of San Francisco*, 951 F.2d 236, 241 (9th Cir. 1991). Said otherwise, the Court should overturn the challenged orders, “under this ‘significantly deferential’ standard only if it has ‘a definite and firm conviction that a mistake [of fact] has been committed’ or that a relevant statute, law, or rule has been omitted or misapplied.” *Mayorga v. Ronaldo*, 606 F. Supp. 3d 1003, 1020 (D. Nev. 2022), *aff’d*, Case No. 22-16009, 2023 WL 8047781 (9th Cir. Nov. 21, 2023) (footnotes and citations omitted).

The Court does not find that Judge Denney clearly erred in the three challenged orders, though it addresses all three of them along with Santos’ pertinent objections below.

Santos first objects to Judge Denney’s order ruling that he may not possess his medical records in his cell under the pertinent Administrative Regulation (“AR”) and implicitly rejecting his request for unlimited free copies in furtherance of this litigation, arguing that NDOC was not justified when it changed the pertinent AR in response to prior court decisions from this district so that people incarcerated by NDOC have to submit kites to view and take notes about their medical records instead of keeping copies in their cells or on their persons. (ECF No. 71.) However, the Court cannot find that Judge Denny clearly erred in simply applying restrictions from AR 639 to deny Santos’ motion. (ECF No. 66.) Judge Denney’s order is consistent with the current version of AR 639.03. (ECF No. 75-1 at 5-6.) In addition, AR 639.02(7) provides that people in NDOC custody are not entitled to free copies and must pay for the limited copies of their medical records they need for litigation purposes. (*Id.* at 5.) Judge Denney’s implicit rejection of Santos’ request for unlimited free copies is thus not a clear error, either. Judge Denney appears to have faithfully applied the governing ARs. And as Defendants point out in their response, the prior cases that Santos refers to in his objection were all interpreting a prior version of AR 639, not the current version discussed herein. (ECF No. 75 at 2-3.) In sum, the Court

1 overrules Santos' objection to Judge Denney's order not permitting him to keep medical  
 2 records on his person or in his cell.

3 Santos also objects to Judge Denney's order denying his motion seeking Judge  
 4 Denney's recusal from this case.<sup>2</sup> (ECF No. 73.) However, Judge Denney denied Santos'  
 5 recusal motion primarily because he found Santos sought his recusal based on Santos'  
 6 disagreement with Judge Denney's decisions adverse to Santos, which does not  
 7 constitute a valid basis for a recusal motion. (ECF No. 69 at 3-4.) And despite Santos'  
 8 argument to the contrary (ECF No. 73 at 2), having reviewed the underlying motion (ECF  
 9 No. 57), the Court agrees with Judge Denney that Santos primarily argues Judge Denney  
 10 is biased against him because Judge Denney made rulings unfavorable to him. The Court  
 11 therefore does not find that Judge Denney clearly erred in denying Santos' recusal  
 12 motion.

13 Santos finally challenges Judge Denney's order denying as moot Santos' request  
 14 for a stay of discovery until Judge Denney resolved the motions seeking permission to  
 15 keep medical records and Judge Denney's recusal because Judge Denney resolved  
 16 those two motions before getting to the motion seeking the stay of discovery. (ECF Nos.  
 17 70 (order), 72 (objection).) But Judge Denney did not clearly err in denying this motion as  
 18 moot because he had already resolved the other two motions when he issued his order  
 19 finding the request for a stay of discovery moot. (ECF No. 70.)

20 For these reasons, the Court overrules all three of Santos' pending objections to  
 21 Judge Denney's orders.

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24 <sup>2</sup>Santos also mentions he 'rescinds his authorization' for Judge Denney to preside  
 25 over this case, but this is not a case that Judge Denney oversees by consent. (ECF No.  
 26 73.) Thus, Santos' 'withdrawal of authorization' is not effective to remove Judge Denney  
 27 from this case entirely. See, e.g., LR IB 1-1, LR IB 1-3, LR IB 1-4, LR IB 1-7 (specifying  
 28 the duties of magistrate judges in cases where a district judge also presides over the  
 case.) Judge Denney will continue to preside over this case as the assigned Magistrate  
 Judge, but Santos may object to Judge Denney's decisions to the Court—as he has  
 done—if he chooses.

### **III. CONCLUSION**

It is therefore ordered that Santos' objection (ECF No. 71) to Judge Denney's order (ECF No. 66) is overruled.

It is further ordered that Santos' objection (ECF No. 72) to Judge Denney's order (ECF No. 70) is overruled.

It is further ordered that Santos' objection (ECF No. 73) to Judge Denney's order (ECF No. 69) is overruled.

DATED THIS 4<sup>th</sup> Day of May 2024.



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MIRANDA M. DU  
CHIEF UNITED STATES DISTRICT JUDGE